

MAR 18 2005

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FACSIMILE TRANSMITTAL**DATE: MARCH 18, 2005****PLEASE DELIVER THE FOLLOWING PAGES TO:****NAME: EXAMINER BAO Q. LI****GROUP ART UNIT: 1648****COMPANY: U.S. PATENT AND TRADEMARK OFFICE****FAX NO. (703) 872-9306****THIS FACSIMILE IS BEING SENT BY:****NAME: LEWIS KREISLER****Number of Pages (including this cover sheet): 6****If you do not receive all the pages please call Wellstat Biologics at (240) 631-2500 x3276**

**Re: Inventor(s): Atkins, et al.
Appl. No.: 10/717,101
Filed: November 19, 2003
For: PURGING OF CELLS USING VIRUSES
Atty. Ref. 18013-C1**

Transmitted herewith is/are the following document(s):**Information Disclosure Statement, PTO Form 1449, Fee Transmittal Sheet, and Certificate of Facsimile Transmission.*****Confidentiality Statement***

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MAR 18 2005

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By

Lewis J. Kreisler
Lewis J. Kreisler
Reg. No. 38522

Date:

3-18-2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Atkins, et al.	Atty. Ref.:	18013-C1
Appl. No.:	10/717,101	Group Art Unit:	1648
Filed:	November 19, 2003	Examiner:	Bao Q. Li
Conf. No.:	7313	Customer No.	31976
For:	ONCOLYTIC VIRUS		

* * * * *

March 18, 2005

Commissioner for Patents
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT

Claims 1-2 and 5-7 of copending U.S. Application No. 10/743,639 and claims 1 and 4-6 of copending U.S. Application No. 10/743,649 have been provisionally rejected for alleged obviousness-type double patenting over claims 1-2 and 6-9 of the subject patent application. A form PTO-1449 and a copy of the allegedly conflicting claims from the '639 and the '649 applications are enclosed herewith.

Inventor(s): Atkins, et al.
Application No.: 10/717,101
Page 2

A fee sheet to cover the fee set forth in 37 CFR 1.17(p) is enclosed. If any additional fee is required, the Commissioner is hereby authorized to charge the amount of such fee to Deposit Account No. 50-1677.

Respectfully submitted,



Lewis J. Kreisler
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Attorney for Applicant(s)

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Enclosures

Inventor(s): Atkins, et al.
Application No.: 10/717,101
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CLAIMS 1, 2 AND 5-7 FROM APPLICATION NO. 10/743,639

1. A method of reducing the viability of a tumor cell, comprising administering to the tumor cell a virus, wherein said virus is not a common human pathogen and said tumor cell is a carcinoma.
2. The method of claim 1, wherein the carcinoma is a lung carcinoma.
5. The method of claim 1, wherein the virus is a Rhabdovirus or a picornavirus.
6. The method of claim 5, wherein the virus is a Rhabdovirus.
7. The method of claim 6, wherein the Rhabdovirus is a vesicular stomatitis virus.

CLAIMS 1 AND 4-6 FROM APPLICATION NO. 10/743,649

1. A method of reducing the viability of a tumor cell, comprising administering to the tumor cell a virus, wherein said virus is not a common human pathogen and said tumor cell is a melanoma.
4. The method of claim 1, wherein the virus is a Rhabdovirus or a picornavirus.
5. The method of claim 4, wherein the virus is a Rhabdovirus.
6. The method of claim 5, wherein the Rhabdovirus is a vesicular stomatitis virus.

MAR 18 2005

PTO/SB/088 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
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Substitute for form 1448/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/717,101
		Filing Date	November 19, 2003
		First Named Inventor	Harold Atkins
		Art Unit	1648
		Examiner Name	Bao Q. Li
Sheet 1	of 1	Attorney Docket Number	18013-C1

DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		U.S. Application Number 10/743,639, claims 1-2 and 5-7.	
		U.S. Application Number 10/743,649, claims 1 and 4-6.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04v2)

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FEE TRANSMITTAL
for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

Complete, if Known

Application Number	10/717,101
Filing Date	November 19, 2003
First Named Inventor	Harold Atkins
Examiner Name	Bao Q. Li
Art Unit	1648
Attorney Docket No.	18013-C1

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

50-1677

Pro-Neuron, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-82** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 44	Independent claims in excess of 3	
1203 300	2203 150	Multiple dependent claim, if not paid	
1204 88	2204 44	** Reissue independent claims over original patent	
1205 16	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 60	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to Institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180.00
8021 40	8021 40	Recording each patent assignment per property (Times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180.00)

SUBMITTED BY

Name (Print/Type)	Lewis J. Kreisler	Registration No. (Attorney/Agent)	38522	Telephone	240-631-2500
Signature	<i>Lewis J. Kreisler</i>	Date	3-18-2005		

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